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No. 97-930

Supreme Court, U.S.
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In The

Supreme Court of the United States

October Term, 1997

VICTORIA BUCKLEY, Colorado Secretary of State,

Petitioner,

vs.

AMERICAN CONSTITUTIONAL LAW FOUNDATION, INC., DAVID AITKEN, JON BARAGA, CRAIG ELEY, JACK HAWKINS, LONNIE HAYNES, ALDEN KAUTZ, and BILL ORR, Individually and as parent and guardian of WILLIAM DAVID ORR,

Respondents.

On Writ Of Certiorari
To The United States Court Of Appeals
For The Tenth Circuit

PRO SE RESPONDENT BILL ORR'S APPENDIX

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

AMERICAN CONSTITUTIONAL LAW FOUNDATION, INC., JAMES E. KLODZINSKI, JAMES MUHM, CLYDE HARKINS, DOROTHY DUFFY, FREDERIC HOLDEN, SCOTT SHIRES, JAMES L. MARVIN, ALAN STORY, JIM PATRICK	)	
Plaintiffs,	)	92-N-69
vs.	)	
NATALIE MEYER, Secretary of State for the State of Colorado,	)	
Defendant.	)	

PRELIMINARY INJUNCTION HEARING
TRANSCRIPT OF PROCEEDINGS
(Filed Feb. 10, 1992)

Proceedings held before the HONORABLE EDWARD W. NOTTINGHAM, U. S. District Judge, for the District of Colorado, on the 31st day of January in Courtroom C-203, United States District Court, Denver, Colorado.

APPEARANCES

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• • •

[p. 4] The second type of issue presented is the contention that the requirement for circulators of petitions to be registered voters is Unconstitutional.

Although the third type of argument is not specifically raised as such by any of the plaintiffs, it seems to me it falls into the category of the argument that even if the Colorado statutes were Constitutional as written, that the Secretary of State is applying them in an Unconstitutional manner and in a manner which burdens – Unconstitutionally burdens the plaintiffs' exercise of their right to petition.

I, first of all, need to identify the particular right at issue with respect to each of these three arguments. And it does seem to me to be the same right. It is the right identified by Meyers – by the Tenth Circuit's decision in *Grant vs Meyer*, reported at 828 F.2d 1446, a 1987 case, which was affirmed by the United States Supreme Court. And that is, simply, the right to – the First Amendment right to petition, to associate and to speak in a way to persuade others to the speaker's – petitioner's – viewpoint. And that right has been characterized as a right which is at the core of the First Amendment.

So the right is an important one. It's the same one that was identified by the Court in *Grant vs Meyer*. The Attorney General this morning made an argument that –

that I [p. 5] understood to be that this right here is not the same as the one identified in *Grant vs Meyer* and I do not so find. I conclude that it is the same basic right.

That being so, because of the fundamental right involved, the State must show a compelling interest that is served or protected by the rule that it is advancing and it must also show that the rule that it is advancing is narrowly drawn to protect that interest and that there are no other real ways of protecting that interest.

Let me first of all discuss the general proposition that qualified electors – or qualified – registered voters are the only ones who can sign initiative petitions. The plaintiffs do not dispute and I conclude, even if they were disputing, that the State has a compelling interest in making sure that valid initiatives have a certain minimal level of support. And in this case, the Colorado Legislature has determined that ballot initiatives ought to have the – the support of five percent of the voters who voted for a Secretary of State in the last general election.

It must follow, if the State has an interest in a certain minimal level of support, that it also has a compelling State interest in preventing or furthering a scheme which furthers the minimal figure at which it is arrived. And it has an interest in preventing fraudulent practices, which would subvert that scheme.

• • •

[p. 7] In other words, it makes no sense to have a requirement of 49,000 people, or five percent of the registered voters, if you're going to allow anybody – any qualified elector to sign and you're not going to have any

means of checking election fraud. As the Colorado General Assembly has found, there is no list of people who are merely qualified electors, so there's no way of checking whether somebody is signing a petition more than once; there's no way of checking whether a party is using his or her true name; there's no way of checking any other type of fraud.

Now, the plaintiffs contend that the criminal penalties are sufficient and the criminal penalties are undoubtedly an important part of the prevention of election fraud, or more precisely speaking, petition fraud, which the State has an interest in preventing. But I don't think that is sufficient. To prosecute those guilty of election fraud, you first have to identify them and find them and as the General Assembly has determined, it's difficult to cross-check some 52,000 62,000 or what have you, signatures in order to determine whether those signatures are fraudulent, much less prosecute those guilty of the fraud for criminal violations.

[p. 8] So it seems to me that the Legislature has properly determined that there is legitimate state interest served by – and a compelling State interest and I so find – by the requirement that registered voters sign the initiative petitions.

It seems to me – as I indicated earlier – that the second sort of issue presented here, namely the role of the circulators, stands on a little bit different ground. The circulators stand in basically the same position as the

circulators in *Grant vs Meyer*. Restriction on the number of circulators by requiring those circulators to be registered voters, decreases the pool of circulators just as certainly as the pool of circulators is decreased by a requirement that none of them can be paid.

This makes the plaintiffs' speech – right of free speech, right of – right to petition – a more difficult right to assert, a more difficult right to persuade others to – to the particular plaintiff's point of view and in that sense, the right – the petition of the circulators is just like the petition of – the position of the circulators in *Grant vs Meyer*. The State interest is served by circulation – by require – the requirement that circulators be registered [p. 9] voters, is – also stands on a different footing from the question with respect to whether the signers need to be registered voters.

The justification that has been advanced for that it's easy – is it's easier to find the addresses of registered voters; you can more easily check on that. That undoubtedly is true. The problem is that there are other means of doing that that are less burdensome on plaintiffs' exercise of their First Amendment rights. The Secretary of State has recognized the distinction between circulators and signers in her very procedures, because if a circulator is found to be not a registered voter, the Secretary of State undertakes the burden of checking with the County Clerk, which is a burden that the Secretary doesn't undertake with respect to registered voters. I take that as an implicit acknowledgement that it is easier to determine from other sources the address of the circulators in case you need the address to check on the so-called circulator fraud.

Moreover, I find that the Secretary of State has a fall back position. Indeed, Ms. Davidson [From Secretary of State] conceded that the requirement for the circulators to be registered voters is largely superfluous. I think those were – I was asking her the question, but she agreed with it. And that fall back position is that the Secretary of State has the means of checking the qualifications and the registration of the [p. 10] persons who are signing the petition and, therefore, she doesn't need to have the circulators to perform this – this task for her.

So I find no compelling State interest. I'll rephrase that. There is a State interest in the prevention of circulator fraud, but that State interest can equally well be served by means other than requiring the circulators to be registered voters and the – the strongest way that it can be served is through the requirement that the signers be registered voters and the Secretary of State's procedure for enforcing that, which is that she checks all of the names on the petitions against voter lists.

For those reasons, because there is no compelling State interest which the circulator requirement is designed narrowly to further, the Secretary of State will be enjoined from requiring that circulators of initiated petitions be registered voters.

The third sort of issue that I identified at the beginning of my findings is what I characterize as the problem presented by the application of the statute. What I've found so far is that the requirement that signers be registered voters is legitimate and it follows from that that the Secretary of State can police that and in reviewing the statutes, and the statutes set forth the various things

which she must do to police that. The statutes on their face [p. 11] properly further the legitimate State interest in preventing voter fraud and in requiring that only those people who are registered sign petitions.

The difficulty is that the plaintiffs have presented a case that the Secretary of State is improperly applying the statute. At least that's the way I would characterize their argument, although they have not done it themselves that way. They are arguing that the Secretary of State, either intentionally or mistakenly, has kept large volumes – the testimony was up to 20 percent – of the legitimate signatures off of the ballot; that is, there's an error of 20 percent in the rejection list. I'm not finding – I'm not making any finding there, by the way, that the error is 20 percent because I don't find it necessary to make that finding.

It seems to me that there are two ways of dealing with the argument that the Secretary of State is proceeding improperly. One is to – for the Court to abstain – and I will get into the reasons for that in a minute – and secondly, is that the – the case in that respect is not yet ripe for review because of the administrative hearings. And – and both of those two, the abstention and ripeness for review, are related.

Let me first of all state, because I think it's necessary to invoke the abstention doctrine, that I find no [p. 12] evidence of bad faith here. There are evidences of serious mistakes. It appears that at least some of the temporary help that is hired to do this may not be very competent temporary help. On the other hand, there's – obviously, if the Secretary of State were hiring rocket scientists to

check all of these things, there'd be significantly more expense involved in doing that.

In listening to all the evidence, though, even though I understand that the Secretary of State and Mr. Bruce have been adversaries for a couple of years now at least, I do not find any evidence of bad faith on the part of the Secretary of State or the people in the Secretary of State's office. It appears to me that people on – all people on all types of ballot petitions are treated in the same way. Any distinctions that are made are distinctions that are made because of legitimate differences; for example, different demands that are made so that if more onerous demands are made or more demands are made, the Secretary of State requires those demands to be put in writing and she responds in writing.

And I also find from the testimony that at least some of the petitioners here have been encouraged, for example, Ms. Davidson I believe testified that she suggested to some of the petitioners here that they get more signatures so that they could – so that if signatures were thrown off the ballot or signatures were disallowed, that the proponents would still have enough signatures to get on the ballot.

* * *

[p. 18] Having addressed the question of whether there is a likelihood of success on the merits, I now turn to the issue of whether the plaintiffs have shown irreparable harm. As I say, it doesn't – it seems to me Mr. Bruce and his tax initiative group have not shown irreparable harm; that is to say whatever has happened to them has already happened. What I'm going to focus on is the – the so-called gambling initiative petition because it seems to

me that that is the group that has shown irreparable harm here.

The irreparable harm is fairly simple and straight forward. Their First Amendment rights are currently in a state of great uncertainty. Unless the Court enjoins the Secretary of State from enforcing the qualified circulator requirement, they don't know whether the qualified circulator requirement is legitimate or not. They don't – they don't know whether they have to hire circulators; they don't know [p. 19] how much money they have to spend; they really don't know the status of anything in that and the great uncertainty concerning the status of their Constitutional rights is a form of irreparable harm.

In addition, they are being burdened by an Unconstitutional requirement. That is to say, their right to petition is, as Mr. Klodzinski testified, impaired by the fact that registered voters must be circulators of petitions. He testified there's no question in his mind, and I, myself, think it's almost a self-evident proposition that you're going to have better luck circulating your petitions if there is a larger pool of persons who can circulate the petitions. The impairment of that group's right of petition is a form of irreparable injury and justifies issuance of a preliminary injunction.

Now, the third and fourth requirements of the preliminary injunction are not requirements that I'm going to spend very long on because I don't think they're very seriously in issue here. The plaintiffs must prove that their threatened injury outweighs whatever damage the proposed injunction may cause the defendant.

In the balance here, on the one hand, are threatened injuries to the fundamental right to petition, a right that's been characterized at the – as it being at the core of the – the type of speech and – and right protected by the First [p. 20] Amendment. The damage that the Secretary of State would suffer by virtue of the injunction is not even very clear to me at this point. It would appear that she will simply be prohibited from disqualifying any petition or any petition signature based on the fact that the circulator was not registered. I – I don't know what kind of a burden that imposes on her. It would appear to me to relieve her of a burden and, perhaps, she ought to be thanking the Court. But at any rate, in all seriousness, I don't think any burden is imposed and I do find that the burden imposed on plaintiffs' fundamental right outweighs whatever damage the defendant may suffer by issue – by virtue of the injunction.

And, finally, I find that the issuance of the proposed injunction would not be contrary to the public interest; indeed, it is in the public interest to protect the fundamental right of petition which is at issue here.

For those reasons, the Court will issue a Preliminary Injunction prohibiting the Secretary of State from requiring that circulators be registered or from disqualifying any signature solely because a circulator is found not to have been registered.

I do not have time to prepare the Preliminary Injunction and I do think it ought to be in writing. Mr. Stockton or Mr. Watwood, have you prepared a form?

MR. WATWOOD: No, we haven't, Your Honor.

* * *

[p. 23] that the irreparable injury was most clearly presented by the – by the gambling initiative people, but the election reform – and I will so find – the election reform people have also sustained a form of injury in that there is a – to be sure, there's an administrative law proceeding pending, but that administrative law proceeding is not considering the Constitutional issues, those issues will only be presented in Court and they are suffering a First Amendment violation at the moment. And that's the form of irreparable injury.

MR. KNAIZER: One other question. You're holding now, would that allow us to at least require that the circulator be a qualified elector? A qualified elector in Colorado means that the person has to be 18 years of age; has to be a resident of the State for at least 25 days; and there's a third –

MR. STOCKTON: A citizen.

MR. KNAIZER: And a citizen of the United States.

THE COURT: Well, it seems to me, isn't the Secretary kind of making up a statute there if she does that?

MR. KNAIZER: Well, the problem now is that anybody can come in from any part of the country. You could have a five year old, theoretically, circulating a petition. That's where your order kind of leaves us.

THE COURT: Well, that's where it's intended to leave you.

* * *

UNITED STATES DISTRICT COURT

DISTRICT OF COLORADO

CASE NO. 92-N-69

DEPOSITION OF NATALIE MEYER
OCTOBER 16, 1992

AMERICAN CONSTITUTIONAL LAW FOUNDATION, INC., JAMES E. KLODZINSKI, JAMES MUHM, CLYDE HARKINS, FREDRIC HOLDEN, SCOTT SHIRES, JAMES L. MARVIN, AND ALAN STORY & JIM PATRICK,

Plaintiffs,

vs.

NATALIE MEYER, Individually, and as Secretary for the State of Colorado,

Defendant.

Deposition of NATALIE MEYER, taken by the Plaintiff American Constitutional Law Foundation, Inc., on October 16, 1992, beginning at 1:30 p.m., before Shirley A. Kercher, Registered Professional Reporter, Certified Shorthand Reporter, and Notary Public.

* * *

[p. 55] Q (By Mr. Evans) Prior to this election year, how many incidences of fraud are you aware of?

A (By Natalie Meyer) I have been Secretary of State since 1983 and I am not aware of any incidences of fraud prior to this time, in that block of time.

* * *

[p. 56] Q (By Mr. Evans) Secretary of State, earlier I had asked Donetta Davidson to comment on a survey or a report by our expert, Darl Bien, who is a professor at the University of Denver. I would like to give you a copy of that report and I think it is around somewhere. I have one copy. He may have one.

(A document was handed to the Witness by Mr. Knaizer.)

Dr. Bien is a professor in the Department of Management specializing in statistics, particularly as it relates to civil rights and these other kinds of things.

He has been for the last year working for us to evaluate the (Tax Payer Bill of Rights) TABOR and the Election Reform Amendment.

In this particular study, he is focusing only on the Election Reform Amendment and he goes through the Election Reform Amendment primarily through the Code 13 rejection codes which are, if you are not familiar [p. 57] with the Code 13, specifically refer to the requirement that the circulators be registered voters.

What I would like to do is call your attention to, I would guess it would be, the first, second, third, fourth paragraph:

> "Based on a simple random sample of 500 petitioners selected from the 19,538 rejected signatures, I found 59 or 11.8% were rejected for code 13 only. This compares with the 11.04% (2274 of 19538) ordered restored by Judge Connick. But for this action of Judge Connick,

approximately 2300 legitimate petitioner signatures would have been rejected by the Secretary of State."

Do you have any comment on that conclusion?

A No.

Q "In a . . . study of 100% of the code 13 circulator rejections for Amendment 1 – TABOR, I determined . . . "

* * *

[p. 58] Q All right.

" . . . I determined that of the 73 circulators rejected, 54 were indeed registered. This represents a 74% error rate. My analysis of the 73 circulators rejected because 'no registration record found' is as follows:"

And he goes through and tells you how he found these particular registered circulators were, in fact, qualified registered circulators. Do you have any comment on that particular finding of the expert?

A No, I do not.

Q Do you think again that an error rate of 74 percent is acceptable?

A I don't think that this necessarily proves anything. I mean, I would have to look at workpapers.

Q But is an error rate of 74 percent acceptable in any business?

A Probably not.

* * *

Rocky Mountain News Sat., Dec. 7, 1991

GREATER DENVER

Meyer boots anti-tax measure off ballot

Secretary of state cites insufficient signatures; organizer cries foul play

By John Sanko

Rocky Mountain News
Capitol Bureau

Secretary of State Natalie Meyer stunned supporters of a controversial anti-tax measure Friday by knocking it and a companion election-reform proposal off Colorado's 1992 general election ballot because of insufficient signatures.

The unexpected decision – in which she rejected nearly one out of every three names submitted to her office – infuriated the measures' chief architect, Colorado Springs businessman Douglas Bruce, who angrily vowed to challenge both actions.

"It's an outrage," said Bruce, whose Taxpayer Bill of Rights was narrowly rejected by voters last year. "The woman is a public menace. There's no kind way to put it."

Bruce said his supporters would be in Meyer's office Monday checking on the signatures she rejected. "I wouldn't trust her as far as I could throw her."

Meyer – who has had numerous run-ins with Bruce over the past several years – was out of town, but issued

a terse statement announcing that both petitions were being rejected. Each needed signatures of 49,279 registered voters to be on the ballot.

The tax issue, which would have required voter approval for higher taxes or any government spending that exceeded normal costs due to inflation and growth, came closest to making the ballot. Meyer rejected 24,065 signatures, leaving a total of 47,055.

On the election-reform measure, which would have imposed term limitations on all elected public officials in the state, Meyer tossed out 19,538 signatures, leaving only 42,382 valid names.

Election aides said the names were rejected for a variety of reasons. *Some of the petition circulators, they said, were not registered voters.*

In addition, the aides said, there were numerous instances of people not living at the addresses that were listed, signers who were not registered and, in some cases, illegibly written names.

Bruce said he would challenge Meyer's rejections of the names and then take the dispute into court. "If we have to go to the U.S. Supreme Court, we'll do that," Bruce vowed.

"Never underestimate a fanatic," said Phil Fox, who represents the Colorado Associations of School Executives and School Boards. "I'm sure he'll be back."

Although there still is sufficient time for Bruce to collect new signatures, the rejections were a major blow to his plans to get a tax initiative on the ballot for the third time in four years.

Two years ago his ballot proposal failed by less than a 2% margin. A poll taken by Talmey-Drake Research last month showed 64% of Coloradans support his latest proposal.

'Bad blood' has boiled since '88

The "bad blood" between Secretary of State Natalie Meyer and Colorado Springs tax protester Douglas Bruce started in 1988, when he went to court to get his first tax initiative on the ballot.

Bruce angrily accused Meyer of having "stuck a dagger in the heart of democracy," violating her oath of office and engaging in shameful conduct.

Meyer accused him of telling "half-truths" and said he should be sued for libel and slander.

In October 1990, Meyer revealed she had fined Bruce $370 for failing to file a campaign disclosure statement on time in 1988. He refused to pay, saying she mailed the form to the wrong person. "I've never met anyone who likes him," Meyer said. "He has a penchant for making people mad by the third sentence."

In April 1991, Bruce said he would circulate petitions for an initiative to limit the authority of the secretary of state to rule petition signatures invalid.

– *John Sanko*

The Daily Sentinel

Tuesday, January 21, 1992 Grand Junction, Colorado
Vol. 99, No. 63

Dropped names fall on Storys

Bob Silbernagel
Daily Sentinel

Fruita duo wants tax limitation on ballot

A Greeley radio station is on the master list of registered voters in the Colorado Secretary of State's Office, say two Fruita men who've spent six weeks poring over the list.

Fay Story and his son, Alan, said they found instances such as a man named William Stone among the A's in the alphabetical master list, but not among those whose names begin with the letter S. And people with names such as O'Brien or McClean could be listed in any number of places.

It's those kinds of problems, the Storys say, that have made it difficult for them to confirm whether it was proper for names to be disqualified from state petitions in support of a tax limitation measure.

The Storys support Douglas Bruce's Taxpayers Bill of Rights – the so-called Tabor Amendment that would require voter approval before the state or any local government could raise taxes.

The measure was headed for a spot on the November election ballot until Dec. 6 when Secretary of State

Natalie Meyer ruled that 24,065 of the 71,120 signatures on the petitions of support were invalid.

That left the measure about 2,000 short of the required total and the Storys decided to go to Denver to help double-check names on the petitions.

"We didn't have any idea it would take us this long," said Fay, as they prepared to head back to Denver on Monday for more work. "We thought it'd just be a couple of days, but it kept dragging on and on."

Alan has been in Denver full time for all but one weekend since Dec. 9, he said. Fay has come back to Fruita most weekends to tend to their greenhouse and orchard business.

They got involved with the Tabor Amendment initially because, said Fay, "Government has a blank check every year and continues to raise taxes . . . the politicians don't seem to care."

[Pictures Omitted in Printing]

When the names on the petition were ruled invalid, the Storys became angrier.

"They have effectively stripped us of our First Amendment rights," said Alan. "They" are the legislators, who passed a 1989 law making it more restrictive to get names on a petition, and the secretary of state and her staff, he said.

The Storys said the secretary of state's office has several problems, including the master list that isn't completely accurate, errors made in entering names into the computer, and a computer system that rejects names that

aren't 100 percent identical to the way they appear on the master list.

For instance, Fay said, a Cedaredge man who circulated petitions for the Tabor amendment listed his name as Randy S. Hall. But the master list had him as Randy Stephen Hall, so the petition he circulated, with 96 names on it, was rejected.

So far, the Storys and other volunteers have demonstrated that at least 6,000 of the names rejected by Meyer should be restored.

But they were waiting this morning to find out whether an administrative law judge would allow a hearing on Bruce's protest to restore the names.

Commentary

Daily Sentinel editorials 1/21/92

Sidetracking petitions

A hearing in Denver today pits tax-limitation proponent Douglas Bruce against Secretary of State Natalie Meyer to determine whether Bruce collected enough signatures to put his latest proposal on the ballot. They obviously don't like each other, but it never should have come to this.

What led to this juncture is a 1989 law – by politicians, for politicians – that makes it much more difficult for citizens to place issues on the ballot. One needn't sympathize with Bruce or those who would micromanage government by referendum to conclude that the law seriously comprises Colorado citizens' constitutional right to petition.

Since Meyer rejected more than 19,000 signatures collected by Bruce and his supporters in December, horror stories have surfaced regularly about lame reasons signatures have been rejected. Consider the case of longtime De Beque resident Fred Froehlich.

All of the 50 or so signatures on the petition he circulated were declared invalid because Meyer's office claimed he wasn't a registered voter. Mesa County records, however, indicate Froehlich has been registered since 1972. But there was a minor discrepancy between the address Froehlich put on his petition and the county record, so his petitions were declared invalid.

That's absurd. The discrepancy hasn't prevented him from voting. (Should every election in which he voted be declared invalid?) Nor did anyone at the clerk's office inform him of a problem.

Montrose County citizens who tried to recall county Commissioner Walter Burke ran afoul of the law as well. Burke simply hired a law firm to find technical flaws in their petitions.

The upshot is that the law is written so as to allow Meyer and Burke, and other politicians, to circumvent the will of their constituents, whether in the form of rejecting petitions outright or by making them jump through so many hoops that it's practically impossible to put a controversial issue on the ballot.

The petition process often times entails serious enough consequences that it should require serious legwork. But citizens shouldn't have to enlist a battery of lawyers to prove the state has a defective voter list. Nor should politicians be able to shoot down proposals they don't like on flimsy technicalities.

Rocky Mountain News Tues., Jan. 28, 1992

GREATER DENVER

Tax-limitation initiative back on ballot

Petition leader Bruce's affidavits successful;
Coloradans to vote on measure for fourth time

[Pictures Omitted in Printing]

By John Sanko

Rocky Mountain News
Capital Bureau

Colorado Springs Tax protester Douglas Bruce scored a major victory Monday when the secretary of state reversed herself and ordered a tax-limitation initiative on the November ballot.

The action means Coloradans will get their fourth opportunity since 1986 to vote on a constitutional amendment that would require voter approval for tax increases. The measure was defeated in 1990 on a 51%-49% vote.

Secretary of State Natalie Meyer in December had tossed Bruce's measure off the ballot after rejecting thousands of signatures on the tax initiative.

She changed her mind Monday – just two days before a hearing on Bruce's appeal of the ruling. She said a review of affidavits submitted by Bruce "clarified disputed information."

"Personally I think the woman ought to go on a long ocean cruise to regain her mental and moral balance," said Bruce, who had predicted victory from the start.

"They put us though hell for seven weeks now, totally illegally, totally improperly and in violation of the constitution,

"I'm pleased, but it's like saying somebody stopped raping you after the fifth time. You're relieved but you shouldn't have gone through it in the first place."

Bruce claimed Meyer made the change because she knew she was going to be humiliated and saw the stipulation as a way to "cover up all of the stupidity."

A hearing still is scheduled on a second Bruce initiative – addressing election reform – which Meyer also ruled lacked sufficient signatures. Bruce predicted he would win on that issue as well.

Meyer issued a brief statement Monday explaining that Bruce had more than the required 49,279 signatures of registered voters on his tax-limiting measure.

"Many signatures submitted by the proponents initially were rejected because the information on the petitions did not match the information on the secretary's master voter list," Meyer said.

"After review of affidavits submitted by the proponents which clarified disputed information, the department agrees that there are now sufficient signatures to qualify the initiative for the ballot."

Meyer declined further comment, but Donetta Davidson, who heads the state elections division, said it merely proves the petition process works.

"We made some mistakes with circulators," she said, noting thousands of names were rejected when circulators' names didn't match up with their names on the master voter registration list. "When he pointed those out, we were willing to put it back on."

Bruce said his organization should be reimbursed for the money and hundreds of hours it had spent checking the signatures.

"I'm thinking about a lawsuit to recover damages," he said.

PREVIOUS AMENDMENTS

Previous tax-limitation amendments that have failed on Colorado ballots in past statewide elections:

Nov. 6, 1990 – Amendment 1. For – 492,972 (49%). Against – 514,034 (51%).

Nov. 8, 1988 – Amendment 6. For – 569,194 (42.8%). Against – 761,389 (57.2%).

Nov. 4, 1986 – Amendment 4. For – 367,897 (36.9%). Against – 629,503 (63.1%).

AFFIDAVIT OF MICHAEL BLOCK

BEING DULY SWORN AND UNDER OATH, I Michael Block, aver to the following:

That I am a U.S. Citizen, 52 years of age, a registered voter, resident, and taxpayer of the State of Florida, having resided for 21 years at 830 NE 18 Street. Ft. Lauderdale, FL 33305 (phone 305-763-8326, fax 779-7012).

* * *

That I am a member of the American Constitutional Law Foundation, Inc. and am or have been a member of or licensed by:

American Arbitration Association (arbitrator).

American, New York, New Jersey and Florida CPA Institutes (member, committee service, key contact).

Departments of Professional Regulation (Florida, New York, New Jersey CPA, Florida mortgage broker).

National Tax Limitation Committee (State Coordinator).

National Taxpayers Union (Key Contact)

That the State of Florida provides for Constitutional Amendment initiative . . .

* * *

I am very familiar with this process, having became intimately involved in these petition drives to limit tax increases:

From 1978 to 1985 I was campaign treasurer/spokesperson for a committee that circulated six state Constitutional Amendment petitions. I was co-author/Researcher of five. We called our 1981

Citizens' Choice petition Florida's Proposition #13, from the Howard Jarvis California tax limit.

It became Prop #1 in 1983 by qualifying first for the 1984 ballot.

* * *

That under Florida law we must get petition signatures equal to 8% of the vote certified for President in the most recent presidential election.

That local county clerks test Constitutional Amendment petition signatures against source voter registration records, containing original voter signatures (Division of Election Rule IS-2.0091(2)).

That since before 1978 and continuing through today, the state Division of Elections and county clerks provide sample petition forms requesting the Secretary of State to put petitions on the ballot in the first legal election ballot on which they could qualify.

That petitioners simply need to ask the Secretary of State to put them on the ballot in the next general election. He honors this request if we file enough petitions 90 days before applicable elections. Therefore, we could have circulated Proposition #1 indefinitely.

That the Proposition #1 introduction petitioned the Secretary of State to place the Amendment on the ballot in the next general election 90 days after we filed it with him. The state Division of Elections accepted this form of petition.

* * *

That the Division of Elections requires petition proponents to submit signed petitions before the 90 days required in the Constitution, so county clerks can approve them before this 90 days.

That we started to get signatures on our Proposition #1 petitions in 1981. . . .

* * *

That we completed submitting Proposition #1 petitions, which had been circulating for almost three years, to county clerks early in 1983. Each of the clerks soon reported his count to the Secretary of State. He certified Proposition #1 for the November, 1984 ballot, in March, 1983.

That no one challenged our circulating Prop #1 indefinitely.

* * *

That a 1984 law (FS 100.371(2)) tightened the petition process by requiring petition signature dating and placing a four year limit on circulation time. That in my opinion, as confirmed by statements from many Legislators, this law was a direct result of our Proposition #1 petition.

* * *

That since at least 1978 Florida has not required that we use registered voters or citizens to circulate petitions and we rarely use such persons as paid petition circulators for Prop #1 or other petitions,

That persons used were usually minors (one was mentally disabled) and were often resident aliens from day labor agencies. Other Florida petitions groups also appear to rarely use registered voters as paid petition circulators,

That we will have to use volunteers and paid petition circulators in our current effort and will again rarely use registered voters as paid circulators. Most circulators will either be minors or resident aliens,

That the Florida practice of letting persons circulates initiative petitions, who are not registered voters, including minors and resident aliens, has not resulted in any call to prohibit such circulators due to the padded numbers of petitions. Many persons

heavily involved in the petition process agree that training and supervision of petition circulators, not age, literacy or voter registration, controls the work quality.

That I feel serious petition fraud usually only involves candidates for elective office, since they often involve serious attempts to avoid detection,

That when paid petition gatherers attempt to pad signatures, bad planning and handwriting usually make it obvious. Such cases often involve persons copying ordered voter registration lists on to petitions. Once county clerks find initial discrepancies, with the original signatures on the source documents they rely on, they dispose of consecutive petitions with the same handwriting faster than a bad petition gatherer can create them.

In summary, the part of the Florida initiative petition process that permits unregistered circulators and multi-year petitions does police itself very effectively.

/s/ Michael Block
Michael Block

STATE OF FLORIDA
COUNTY OF BROWARD

SWORN TO & SUBSCRIBED before me this 14 day of JULY, 1993.

/s/ Gloria J. Miller

NOTARY PUBLIC, STATE OF FLORIDA

[SEAL]

GLORIA J. MILLER
MY COMMISSION #CC 213026
EXPIRES: July 7, 1998
Bonded Thru Notary Public Underwriters

Continuation/Supplement/Narrative

Report # 92-4-14

OFFENSE CLASSIFICATION Special Use Permit

DATE ORIGINAL REPORT 04-12-92

DATE THIS REPORT 04-14-92

CONNECTING CASE #

I, OFFICER J. TRUJILLO, WAS INVOLVED IN THE EARTH DAY SPECIAL EVENT. MY DUTIES AT THE TIME OF THE EVENT WAS TO OBTAIN SIGNATURES FROM VOLUNTEERS TO HELP PLANT TREES. BETWEEN THE TIMES OF 1300 HOURS AND 1400 HOURS. I WAS APPROACHED BY A MALE SUBJECT WHO IDENTIFIED HIMSELF AS A DISTRICT ATTORNEY (D.A.) AND ASKED IF I WAS AWARE OF A GROUP OF PEOPLE SELLING HEMP PRODUCTS. BECAUSE OF THE LARGE TURN OUT OF PEOPLE I WAS NOT AWARE OF THIS SITUATION. HE ALSO SAID THAT THE GROUP OF PEOPLE WERE OBTAINING SIGNATURES FOR THE LEGALIZATION OF MARIJUANA. AT THIS TIME I GAVE THE D.A. THE NAME OF THE PARK MANAGER OF CHERRY CREEK AND PROCEEDED TO INVESTIGATE THE PROBLEM. I APPROACHED THE GROUP OF PEOPLE AND OBSERVED BUTTONS AND T-SHIRTS WITH A MARIJUANA SYMBOL STAMPED ON THE ITEMS. I NOTICED MONEY ON THE SAME TABLE. I ASKED S1, S2, & S3 THAT IN ORDER TO SELL THEIR PRODUCTS THEY WOULD HAVE TO OBTAIN A SPECIAL PERMIT THROUGH THE PARKS MANAGEMENT. ONE OF THE SUBJECTS SAID THAT THEY WERE PART OF K-FOX. I INFORMED THESE PEOPLE THAT NO PERMISSION

WAS GIVEN TO SELL THEIR HEMP PRODUCTS AND THEY WOULD HAVE TO STOP IMMEDIATELY SELLING THE PRODUCTS. THEY DID COOPERATE WITH MY ORDERS IMMEDIATELY. I ALSO EXPLAINED THAT THEY COULD NOT OBTAIN SIGNATURES AT K-FOX'S SPECIAL EVENT BUT, I WOULD CONTACT MANAGEMENT TO DETERMINE IF IT WAS ALL RIGHT. AT THIS TIME I ADVISED PARK MANAGER CHRIS FOREMAN AND OFFICER RON DUNLAP OF THE SITUATION. OFFICER DUNLAP ARRIVED ON THE SCENE AND ASKED S1, S2, & S3, FOR IDENTIFICATION S1, AND S2 WERE VERY ARGUMENTATIVE WITH OFFICER F. DUNLAP AND FINALLY GAVE HIM THEIR IDENTIFICATION. WHILE OFFICER R. DUNLAP HAD S1, S2'S IDENTIFICATION S2 BEGAN TO GRAB THE IDENTIFICATION (I.D.) OUT OF OFFICER R. DUNLAP'S HAND. AT THE SAME TIME S1, & S2 ALSO BEGAN YELLING AT ALL OF THE OFFICER'S INVOLVED. AT THIS TIME THE CROWD BECAME AWARE OF THE CONTACT IN PROCESS. OFFICER R. DUNLAP THEN ASKED TO SEE THE CLIPBOARD WITH SIGNATURES. OFFICER R. DUNLAP LOOKED AT THE INFORMATION AND DID REVIEW THE CLIPBOARD. AT THIS TIME PARK MANAGER CHRIS FOREMAN ARRIVED AND TOOK OVER THE INTERVIEW PROCESS. AS C. FOREMAN BEGAN EXPLANATION S1 • S2 ONCE AGAIN WERE VERY ARGUMENTATIVE AND UNCOOPERATIVE. S3 WAS PULLED ASIDE BECAUSE HE WAS THE ONLY SUBJECT WHO WOULD LISTEN TO WHAT C. FOREMAN, R. DUNLAP AND MYSELF HAD TO SAY ABOUT THE SITUATION. SUBJECTS WERE ALLOWED

TO PROCEED WITH THEIR ACTIVITIES UNTIL K-FOX'S PERMIT WAS OVER AT 3:00 P.M.

Officer Signature Number and Date

Aaron B. Trujillo 1264

Supervisor initials and Date

HRP 4/15/92

SWORN STATEMENT OF PENN RENE PFIFFNER
June 23, 1993

The sworn statement of PENN RENE PFIFFNER, was taken on Wednesday, June 23, 1993, commencing at 8:10 a.m., at 11011 West 6th Avenue, Lakewood, Colorado, before Lynn Ensor, Certified Shorthand Reporter and Notary Public within and for the State of Colorado.

* * *

[p. 27] Q (Neil O'Toole) I want to know about the eleven people on the committee that helped enact this legislation [SR 93-135] and their consideration of the First Amendment rights of the People, not what they may have heard from somebody else and what their opinion is, but what they thought or what they discussed concerning First Amendment –

A (Penn Pfiffner) In some cases there is precious little concern about the First Amendment rights of the People. The bill was brought as something to streamline the procedure and make it better for the Secretary of State and I think many of the members responded to that.

I don't recall whether it was in that committee or elsewhere, but I had conversations with legislators who told me that the reason they wanted that bill to pass is they were afraid there would be too many – being very unspecific – be [p. 28] too many ballot issues on the ballot, and they thought that would be one way to reduce the number of issues on the ballot.

Q Representative, I apologize once again for jumping on you, but what the hell are – you know, what the

hell does it mean to have too many valid issues? What does that mean?

A To these people, they wanted to have the voting quick, easily understood, and to them that means not loading it up with different issues that take a while to vote on in the ballot box and a lot of time to learn ten things instead of one.

Q I'm sorry. You mean, it appears to them that the value of being able to vote for elected officials outweighs the People's consideration of issues that those same officials should effectuate?

A That would appear so.

Q Okay. I'm sure that somebody in the committee must have said if we do not pass this piece of legislation, there will be a clear and present danger to the People of Colorado. There will be an immediate harm and that harm is grave. I'm sure they must have said that, because we're dealing with the First Amendment.

A Then, Mr. O'Toole, you'd be incorrect. Those words and language like that, to the best of my memory, were never used.

* * *

[p. 41] Q Did he [Bill Hobbs Colorado Legislation Legal Services] suggest at any time, in the 15 years that he had been there, that there was a safety clause attached to every piece of legislation?

A Yes. He said that it was a matter of form, he thought long before he had gotten there, and he'd been there for 15 years. And that's the way it had been done all

that time and that's the way it was going to be done unless something changed.

* * *

Q Based on your knowledge, gleaned from the State House, do you know the providence of Senate Bill 93-135?

A You mean where it came from?

Q Where it came from.

A Much of what I know, of course, is not direct conversation with Natalie Meyer, but I see, Mr. O'Toole, Senate Bill 135 as being an update modification of a bill that passed about two years ago known then as 1181. And I have had several people tell me on several different occasions that it was Natalie Meyer that brought the bill, from many people. It was she who drafted the concept and had somebody carry it for her –

* * *

July 8, 1993, 6:30 PM

AFFIDAVIT OF ALDEN KAUTZ

BEING DULY SWORN AND UNDER OATH, I, Alden Kautz aver to the following:

That I am a U.S. Citizen,

That I am 48 years of age,

That I am a registered voter, resident, and taxpayer of the State of Colorado,

That I currently reside at 5909 West Elmhurst Dr., Littleton, Colorado 80123 (Jefferson county).

That my vitae is a follows: I have twenty five years in sales and training of insurance. I was a register representative in the sales of securities. I was a county representative at the Republican state convention.

I am reasonably familiar with the petition process, and the inherent difficulties associated with its normal exercise.

I have been circulating petitions in the state of Colorado for over 20 years and have gathered thousands of signatures,

I have been a student of the process and the laws offered by the legislature in dealing with the right,

Circulating a petition is different from most affairs because you have to be aggressive and try to get people to appreciate the issue you're petitioning on,

Consequently, it encompasses a reasonable amount of rejection,

I've noted over the years it has become progressively more bureaucratic, and more difficult to get petitions on the ballot,

For example, in the early 1970's any qualified voter [didn't need to be registered] could circulate and sign a petition; the forms were straight forward, signatures were considered "prima facie" valid, and if you got enough you were put on the ballot; a private protestor could challenge signatures but the burden was on him to prove that signatures were invalid,

However, it seemed that every time a tax limitation petition was advanced and especially when it came close to passing, the legislature would change the petition law to make the process more difficult,

The first time I can remember this happening was in 1978, after the 1976 "Amendment #10" tax limitation petition, which we obtained signatures through the placement of full page ads in the newspapers,

The ads were like regular petition forms, with a place to sign and a place for the circulator to witness signatures and have a notary sign,

There was a significant number of signatures obtained through this method; an ad hoc pro-government group challenged these signatures and the petition was kicked off the ballot; the Supreme Court with approximately three weeks till the election, put it back on the ballot,

This raised havoc, as the electorate was polled as supporting the measure, an overwhelming 70%,

The Government from the Governor down to individual school districts, launched an massive anti-tax campaign

using scare tactics and lots of government money; they changed the polls prior to the election and the petition lost;

I believe there was another tax limitation the next election, which also caused consternation. Legislative hearing commenced and in 1980 the law was changed to require that signers be registered voters, instead of qualified voters; I believe they said this needed to be done to prevent the likelihood of fraud,

I saw this happen again in 1989, after Douglas Bruces' first tax limitation effort of 1988 scared elected official (this measure, like the 1976 limitation, required use of scare tactics, massive amounts of government campaigning and taxpayer money before it was defeated); In 198[illegible] the state legislature passed House Bill 1181, which effectively changed the burden of proving invalidity of signatures from the opponent (who previously had the burden) to the proponent having to prove their validity; this constituted a substantial additional burden to proponents (occurring when the Secretary of State and/or opponents alleged signatures to be invalid); this restrictive legislation was advanced on the basis of preventing the likelihood of signature fraud; in reality all it did was limit the number of petitions reaching the ballot and provided the Secretary substantial power and discretion to determine who's petitions would be qualified,

It happened again this year (1993), after the success of Bruces' third tax limitation effort; the legislature passed Senate Bill 135 ostensibly for the purpose of reducing the likelihood of fraud,

I find the history fascinating, in that each restriction upon the petition process followed a threatening "tax-limitation" petition – which of course limited or threatened to limit the power of the legislature –; and, in each case the restriction on the right was justified to reduce the likelihood of signature fraud,

Today, petition efforts are being strangled by the regulation; circulators not only have to be registered voters, but the record of their registration must be accessible by the Secretary of State from her records by her personnel; I believe there is evidence, which shows circulators as being valid registered voters, but none-the-less disqualified because the Secretary can't find them on her registration records; When this occurs, proponents have the pain staking burden in an almost impossible administrative process, to prove (often without adequate resources or readily available evidence or time) that their signatures are valid; Most can not and their petitions die,

The tragedy is that their petitions were likely valid, and should have been qualified, but were killed because of the Secretary's inability to find the signature and the resulting bureaucratic burden associated with the process to prove their validity, all in the name of reducing the *likelihood* of fraud.

/s/ Alden Kautz
Alden Kautz

NOTARY

THE DENVER POST

Friday, April 16, 1993

60 SECONDS **by AL KNIGHT**

THE LATEST fight over Colorado's initiative laws is in the final stages in the legislature. This time, as in the past, it is a classic struggle between the "insiders" and the "outsiders." The smart money is on the insiders.

Cheered on by Secretary of State Natalie Meyer, the legislature is again in the process of "perfecting" the initiative laws. Each time the process is refined to achieve some high-sounding purpose such as "preventing fraud," the once-clear right of initiative becomes ever more burdened with procedural requirements. If passed, this latest version, with its telescoped timetables and new procedural hurdles, may very well put the right of initiative beyond the reach of ordinary citizen groups. Instead it may be the exclusive playground of special-interest organizations able to pay circulators and the army of lawyers necessary to get a measure on the ballot.

SB 135 soon will be back on the Senate floor for acceptance of House amendments. The public's best hope of avoiding this legislation is a Senate rejection of those amendments. The margin in the Senate could be be extremely tight and swing on just a couple of votes.

This bill has tempted some lawmakers to seize the opportunity to strike back at initiative sponsors like Douglas Bruce as well as the hundreds of thousands of citizens who supported initiated measures last year.

This is a reckless kind of politics played with little regard for the state's long-term interests. Let's hope there are enough senators with the courage to do the right thing – kill it.

Al Knight is editor of The Post's Perspective section

AFFIDAVIT OF DAVID AITKEN

BEING DULY SWORN AND UNDER OATH, I, David Aitken aver to the following:

That I am a U.S. Citizen,

That I am 46 years of age,

That I am a registered voter, resident, and taxpayer of the State of Colorado,

That I am a member of the American Constitutional Law Foundation, Inc.,

That I am the Chairman of the Colorado Libertarian Party,

That I currently reside at 1240 Ogden #4, Denver, Co 80218

And that I am a proponent in the referendum petition of Senate Bill 93-135.

I am a proponent of the referendum petition because SB93-135 is very restrictive of the initiative petition process and the Colorado Libertarian Party ("CLP") is greatly dependent upon the openness and fairness of the volunteer initiative petition process. For example, the CLP has been an active petitioning compliment and supporter of the initiative petitions for tax limitation, term limits, educational choice, etc.

Our Colorado members collect tens of thousands of signatures for these initiative petitions and I have personally collected thousands of petition signatures over the years, so I would like to point out how difficult a petitioning

campaign is. For example, most petitioning is done during the summer months because that's when people are most likely to be outside on public property where they may be asked to sign a petition. People are unlikely to take the time to stop and sign a petition when it's very cold and they're in a hurry to get inside. Door to door petitioning is also not very productive because most people aren't home during the day (most work) and evening hours don't work when the days are short (Are you likely to open your door to a petitioner after dark?).

Affiant notes that it is most distressing for petition circulators to have worked and suffered, untold hours under difficult circumstances to say the least, to see a petition fail for want of enough signatures. Unfortunately, Affiant has been associated with several petition campaigns, which have failed for want of enough signatures, (for example – Fully Informed Jury Amendment, Hemp Initiative, and Election Reform (1992)).

Normally, the most difficult feat in organizing and managing a petition campaign is to find capable and reliable volunteer petition circulators with the energy and drive to gather signatures. Many volunteer circulators are unwilling to take the abuse that often goes along with a petition campaign and quit.

In certain cases where we must use paid circulators, and where names and other identification is required by SB93-135, the risk of recrimination, on certain high charged matters, e.g. Abortion or gay rights, may sufficiently frighten circulators from circulating petitions. I am afraid that a circulator badge and other personal disclosure, especially if circulators are petitioning on

emotional or controversial issues, will serve to chill the effort. I would certainly be disinclined to circulate a petition, if as a result of that petitioning, my home or family could become the target of recrimination; the information required under SB93-135 now provides such an opportunity.

Further, the vigorous disclosure requirements, which have to be filed with the Secretary of State regarding paid petitioners, imposes an undue hardship. It imposes an additional administrative hardship upon us and will translate into increased costs, if we have to hire circulators. But I am more fearful, that the badge and disclosure requirements, will probably preclude some and/or perhaps all paid circulators and/or outside professional petitioning organizations from assisting me on controversial petitions, thus chilling their First Amendment rights to speak out on that particular issue. If a circulator is abused and sues because of an act of violence is perpetrated at their residence as a result of disclosure required under SB93-135, the issue of my potential liability becomes a major concern. Am I liable or is the Secretary of State liable?

This is an obscene amount of regulation * * * It is certainly a burden for under-financed "citizen" volunteer efforts, which often are run from someone's home because they can't afford an office or separate phone. * * * It's difficult enough to put together a petition effort, without all this prior hurdle-jumping in order to petition. Frankly, I don't see what real purpose the regulation serves, except to limit the petition process. In my petition efforts, I would like to be able to use as many articulate and capable volunteer circulators, including students, as possible,

especially those who have expressed a desire to circulate petitions.

In the instant SB93-135 referral petition, given the short collection period of 90 days from the close of the legislative session and summer vacation break, students are ideal circulators. Students are further ideal, because they can petition as volunteers, or if they are paid, they are more affordable than traditional professional circulators. But due to the prohibition against non-registered voters and individuals under age 18 in SB93-135, affiant's pool of volunteer circulators is greatly diminished for the instant petition to refer SB93-135. As a proponent of the referral of SB93-135, given our very short window to obtain signatures, we need to be able to use all the energetic youthful volunteers, i.e. students, we can possibly muster into the petition exercise. Absent this ability, there is a very real risk that it will be impossible to gather the necessary signatures for the referendum petition.

I have reviewed SB93-135 as to the impact it will have on my own effort to refer SB93-135 and I am concerned about:

1) Attachment of the safety clause,

2) Badge requirement for volunteers and paid circulators,

3) Prohibition against non-registered voters as circulators,

4) Prohibition against circulators under age 18, and

5) Prohibition against affiant's petition circulation, until after Secretary of State approves the actual petition form, which she refuses to do, even though affiant's original 90

day period of time to collect signatures for the referendum is rapidly expiring.

Because of the attachment of the "safety clause", I cannot petition for the referral of SB93-135, the time I have remaining is expiring rapidly, making the effort even greater, even if the safety clause is removed; as such I am being punished for attempting to exercise my rights. Absent the application of the "safety clause", I may have been successful in SB93-135's referendum and the people may have rejected it; thereby avoiding the inhibiting future application of SB93-135 to my petitions. Therefore, I am being punished to the extent that my future initiative petitions may fail due to the future operation of SB93-135. In that regard, I am very concerned about the restrictions imposed by SB93-135 upon my future initiative petition efforts, including

1) New restrictive time tables for petitions that must be circulated in the same year that they are to be voted on ("Same Year Petitions"),

2) Forcing same year initiative petitions to be circulated during the colder winter months, when weather, holidays and other circumstances reduces the pool of available circulators, pool of available petition signers, and time to collect signatures,

3) Forcing same year initiative petitions to compete with partisan and candidate election efforts, diluting my ability to find volunteers, raise money and obtain signatures, and

4) Telescoping same year initiative petitions into a very limited time frame, making it very difficult to gather the requisite number of signatures to qualify to the ballot.

Affiant believes that SB93-135 clearly violates the intent of the petition process because Article V, Section 1 of the Colorado Constitution, which governs the right of initiative and referendum, is "self-executing" (paragraph 10) and doesn't need legislative interpretation, especially legislation which restricts the exercise.

Affiant is extremely concerned that even if the safety clause is removed so that SB93-135 can be petitioned for referendum, its other restrictions, namely restrictions on circulators noted above, will prevent affiant's from being able to gather enough signatures in time to qualify the referendum of SB93-135. Affiant notes that if the court lifts the safety clause, but does not extend the petition period for at least a period of 90 days, the same period constitutionally provided under Colorado Law, after the date Secretary of State approves affiant's referendum form, then it will be extremely difficult to obtain the requisite number of signatures to qualify.

Affiant will be assisted by the American Constitutional Law Foundation to petition to refer SB93-135 to a vote of the Colorado electorate.

/s/	David Aitken	7/9/93
	David Aitken	Date
/s/	Illegible	7/9/93
	Notary	Date

1997

INITIATIVE AND REFERENDUM PROCEDURES AND GUIDELINES MANUAL

(SEAL)

VICTORIA BUCKLEY
SECRETARY OF STATE

Denver, CO

* * *

INITIATIVE PETITION INCLUSIONS

Each petition must include the details described below. The content of each detail category is for illustration purposes only. Consult with your attorney for exact information to include on your petition section.

A. Section Number

All sections of each petition must be pre-numbered serially. For example,

NO: 0350
NO: 0351
NO: 0352

B. Instructions for the Petition Circulators

1. To Circulate a Petition

a. Read the warning at the top of each page.
b. To circulate a petition you must be a registered voter in Colorado.
c. There can be only one circulator for each petition.

d. A petition circulator cannot be left on tables unattended.
e. Make sure that all required information is complete.
f. Do not take the petition apart. If the original staples are removed, the petition will not count.
g. Do not sign your own petition. Sign another one.
h. If you **are not being paid** for circulating petitions, you must wear an identification badge that includes the words **"volunteer circulator"** in bold-face type which is clearly legible and your name.
i. If you **are being paid** for circulating petitions, you must wear an identification badge that includes the words **"paid circulator"** in bold-face type which is clearly legible, your name, and the name of the individual hiring you to circulate the petition.

* * *

Initiative and Referenda
Monthly Circulator Disclosure Report
(To comply with C.R.S. 1-40-121(2))

[Balance Of Form Deleted In Printing]